

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Rodney Knuckles,

Case No. 5:15CV2597

Petitioner

v.

ORDER

Neal Turner, Warden,
North Central Correctional Center,

Respondent

This is a state prisoner's habeas case under 28 U.S.C. § 2254.

In 2012, following petitioner Rodney Knuckles's plea of guilty to burglary charges, the Common Pleas Court of Summit County, Ohio, sentenced Knuckles to five years of imprisonment. *State v. Knuckles*, 2013-Ohio-4024 (Ohio App.). (Knuckles is also serving an indefinite sentence of between 15 years' and life imprisonment for a 1983 murder conviction).

After exhausting his state-court remedies, Knuckles filed this habeas action. (Doc. 1). He alleges that the trial court violated O.R.C. § 2951.03(A)(1) when it placed him on community control (a form of probation) without ordering or reviewing a presentence report. (*Id.* at 5).

Pending is Magistrate Judge Limbert's Report and Recommendation, which recommends that I deny the petition because Knuckles's claim is a non-cognizable state-law claim. (Doc. 16). In the R&R, the Magistrate Judge advised Knuckles that he had fourteen days to file an objection (*id.* at 17), but that deadline has passed without such a filing.

Knuckles's failure to file an objection waived his right to have me conduct a de novo review of the R&R. *Amison v. Legg*, 2015 WL 853526, *1 (N.D. Ohio) (Lioi, J.). In any event, I agree with Magistrate Judge Limbert that Knuckles's claim presents only a question of state law that is not cognizable on federal collateral review. *Wilson v. Corcoran*, 562 U.S. 1, 5 (2010).

It is, therefore,

ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 16) be, and the same hereby is, adopted as the order of the court;
2. The petition for a writ of habeas corpus (Doc. 1) be, and the same hereby is, denied;
and
3. No certificate of appealability will issue.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge